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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,305	05/25/2001	Hachirou Honda	Q64558	2780

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EXAMINER

MILIA, MARK R

ART UNIT PAPER NUMBER

2622

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/864,305

Applicant(s)

HONDA, HACHIROU

Examiner

Mark R. Milia

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/25/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 4, element (43). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because in Fig. 4, reference character "43\_1" has been used to designate both an "Orders Input Screen" and an "Orders Table", reference character "43\_2" has been used to designate both a "Condition Designation Screen" and a "Continuous Progress Designation Table", and reference character "43\_3" has been used to designate both a

"Schedule Confirmation Screen" and a "Process Resource Table". Examiner believes that reference character "43\_1" designating an "Orders Input Screen" should be relabeled as "41\_1", reference character "43\_2" designating a "Condition Designation Screen" should be relabeled "41\_2", and reference character "43\_3" designating a "Schedule Confirmation Screen" should be relabeled "41\_3". In Fig. 14, reference character "45c\_4" has been used to designate both a "Front Color No." and a "Back Color No.". Examiner believes that reference character "45c\_4" designating a "Front Color No." should be relabeled "45c\_3". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: Page 17, line 3, "S03" should read "S02". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 5890134 to Fox.

Regarding claims 1, 3, and 5, Fox discloses a schedule planning method, system, and program storage medium of planning a schedule for processing consisting of a series of processes said schedule planning method comprising obtaining information concerned with the series of processes (see column 6 lines 11-22 and 35-52 and column 7 lines 45-56) and creating a schedule plan for first half processes in such a manner that a scheduling is performed in accordance with a fastest-schedule scheme for first half processes terminating up machine plate making process of the series of processes obtained in the obtaining step, and creating a schedule plan for latter half processes in such a manner that a scheduling is performed in accordance with a latest-schedule scheme for half processes starting after starting point of the machine plate making process of the series of processes obtained in the obtaining step (see column 4 line 66-column 5 line 4, column 7 lines 38-47 and 65-67, column 8 lines 18-32, 45-47, and 58-65, column 10 lines 6-34, column 11 lines 30-36, column 11 line 66-column 12 line 4, and column 12 lines 41-44, reference states that the invention can

be specially constructed for a required purpose and the program configured to execute that purpose, the printing process and machine plate making process of the claim fall within the category of performing an operation for a required purpose and therefore are anticipated by the reference, in addition the reference states the use of a "right shift" schedule scheme and a "left shift" schedule scheme which is analogous to the fastest-schedule scheme and latest-schedule scheme in the claims and further the reference states that the boundaries can be set manually by the user thereby the system can act just as if the boundary was chosen to be in the middle of the process as stated in the claims, also the reference states that the scheduling routine iterated multiple times to use a first output to be an input in a second iteration of the routine, therefore the claim is anticipated by the reference because the schedule scheme of the reference serves the same purpose and function to decrease time and improve quality and is constructed in an analogous fashion).

Regarding claims 2 and 4, Fox discloses the system discussed in claims 1 and 3, and further discloses wherein after creating the schedule plan of the first half processes and the schedule plan of the latter half processes, it is detected whether there is any overlapping of schedules between the schedule plan of the first half processes and the schedule plan of the latter half processes (see Figs. 2 and 3, column 6 lines 49-52, column 9 lines 17-67, and column 10 line 45-column 11 line 29).

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show state of the art refer to U.S. Patent numbers 5619695 (Arbabi et al.), 5408663 (Miller), 5233533 (Edstrom et al.), and 5093794 (Howie et al.).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (703) 305-1900. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (703) 305-4712. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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